

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-60-19-4) FROM C-1 (NEIGHBORHOOD RETAIL) AND C-O (COMMERCIAL OFFICE) TO C-1 (NEIGHBORHOOD RETAIL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 1.63 acre property located at the northwest corner of 15th Avenue and Indian School Road in a portion of Section 19, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 1.15 acres of "C-1" (Neighborhood Retail) and 0.48-acres of "C-O" (Commercial Office) to "C-1" (Neighborhood Retail).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B".

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the elevations date stamped November 8, 2019, as modified by the following stipulations and approved by the Planning and Development Department.
2. The developer shall dedicate a 1-foot Vehicular Non-Access Easement (VNAE) along the north property line (16th Drive) and the west property line where adjacent to R-4 (Multifamily Residence District) zoning.
3. All sidewalks shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
4. The required landscape setback areas along all public streets shall be planted with large canopy shade trees, selected from the list contained in Table 1309.1 of the Phoenix Zoning Ordinance excluding those identified as “understory trees”, placed 20 feet on center or in equivalent groupings with 25 percent of the trees a minimum 4-inch caliper and 75 percent a minimum of 3-inch caliper, as approved by the Planning and Development Department.
5. The developer shall locate trees in close proximity to the bus stop along Indian School Road to shade the bus stop area to a minimum 75 percent, as approved by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. A bicycle repair station (“fix it station”) shall be provided in an area of high visibility, separated from vehicular maneuvering areas, and located within close proximity to 15th Avenue and the bus stop on Indian School Road. The repair station shall include: standard

repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

- b. A minimum of 4 inverted U-bicycle racks, artistic style rack (in adherence to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan) or “Outdoor/Covered Facilities” for guests and employees. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H. of the Zoning Ordinance, and approved by the Planning and Development Department.
7. The developer shall provide a system of clearly defined, accessible pathways constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisles surfaces which provide direct connections between the following site elements: all building entrances and exits; bus stops; and the bicycle repair station. The above conditions shall be approved by the Planning and Development Department.
8. The developer shall provide an enhanced and shaded pedestrian pathway from the entrance of the building to the bus stop on Indian School Road, as approved by the Planning and Development Department.
9. The developer shall retain right-of-way and reconstruct one bus stop pad along westbound Indian School Road west of 15th Avenue, compliant with City of Phoenix Standard Detail P1260 (attached sidewalk) or P-1262 (detached sidewalk) at a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of Indian School Road and 15th Avenue as per City of Phoenix Standard Detail P1258. The above conditions shall be approved by the Planning and Development Department.
10. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
11. The developer shall construct the driveway to Indian School Road with a restriction of access to right-in and right-out turning movements, as approved by the Street Transportation Department.

12. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
13. The developer shall provide space and access on the site for recycling containers, as approved by the Planning and Development Department.
14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
15. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
16. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33- foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
17. The applicant shall maintain landscaping in accordance with the landscape plan and stipulated improvements.
18. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of June, 2020.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-60-19-4

A portion of the Southeast Quarter of Section 19, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, including all of the following:

Parcel No. 1:

Lots 10 and 11, Bel Air Plat Three, according to Book 50 of Maps, records of Maricopa County, Arizona;

Except any portion of said Lots 10 and 11 within 50 feet of the monument line of Indian School Road, as shown on said Plat as conveyed by Deeds recorded in recording no. 83-071703 and recording no. 83-071704; and

Except any portion of said Lot 10 lying within property conveyed to the City of Phoenix in Quit-Claim Deed recorded in recording no. 88-271470; and

Except any portion of said Lot 10 lying within property condemned to the City of Phoenix in Amended Final Order of Condemnation recorded in recording no. 89-141767.

Parcel No. 2:

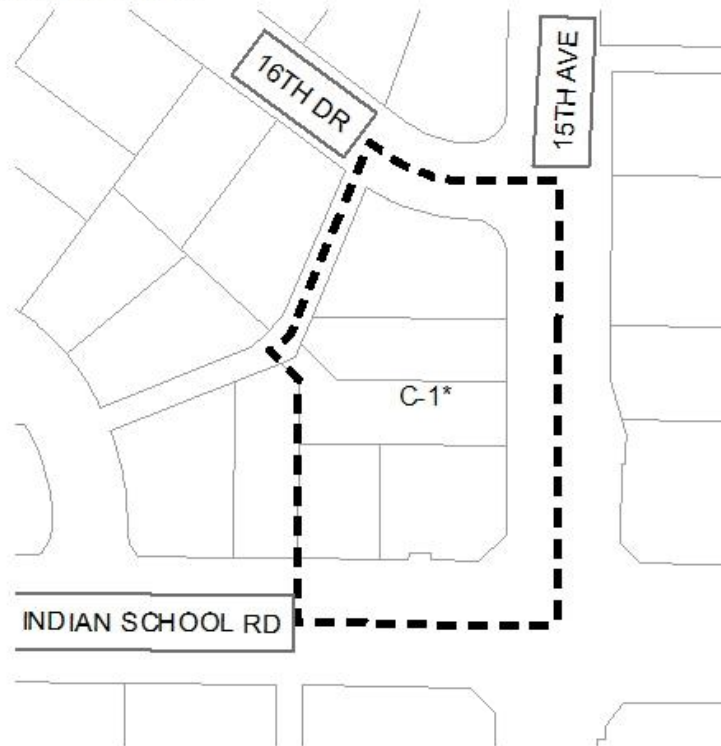
Lots 7, 8 and 9, Bel Air Plat Three, according to Book 50 of Maps, records of Maricopa County, Arizona

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

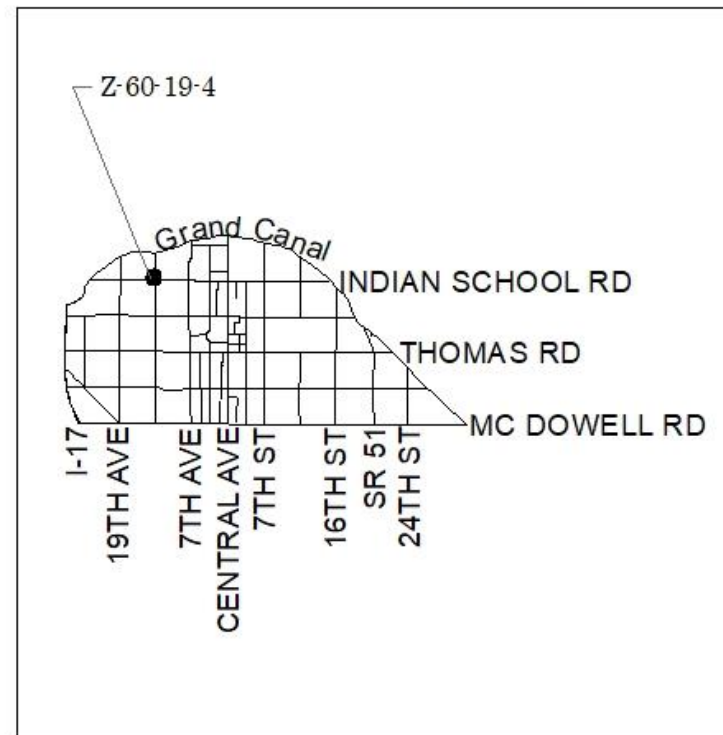


0 37.5 75 150 Feet

Zoning Case Number: Z-60-19-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 5/1/2020